

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1580, 1581, 1583 and 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1526, 1528, 1530, 1580-1585, 1590 and 1591 of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Designation and Special Area Regulations.

### **Informative Digest/Policy Statement Overview**

Currently, there are 118 ecological reserves designated in Section 630, Title 14, CCR for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add five new ecological reserves to this listing. The five new reserves are:

Canada de los Osos consisting of 4,200 acres in Santa Clara County for the protection of grassland, oak woodland, chaparral, wetland and riparian habitat for the red-legged frog, California tiger salamander, western pond turtle, and native game species, including black tailed deer and California quail; and for outdoor education programs focusing primarily on youths.

Chorro Creek consisting of 580 acres in San Luis Obispo County for the protection of southern steelhead and California red-legged frogs, and restoration and enhancement of riparian, wetland and grassland habitats.

Cosumnes River consisting of 11,895 acres in Sacramento County for the protection of great valley valley oak riparian forest, coastal and valley freshwater marsh and vernal pools for waterfowl, shorebirds, raptors, fishes, native plants and sensitive species including fairy shrimp, tadpole shrimp, Swainson's hawk, giant garter snake, greater sandhill crane, lesser sandhill crane, yellow-billed cuckoo, legenera and northern California black walnut.

Headwaters Forest consisting of 7,470 acres in Humboldt County for the protection of the last unprotected large stand of old-growth redwood forest for coho salmon, northern California steelhead, California coastal Chinook salmon, marbled murrelet, northern spotted owl and forest carnivores.

North Table Mountain consisting of 3,315 acres in Butte County for the protection of northern basalt flow vernal pools, an endemic community unique to California which occurs in less than 10 locations, and the sensitive plant and animal species they support, including the Red Bluff dwarf rush and California horned lizard.

The reasons for listing these properties in Title 14 are to regulate public use and provide the best available protection for the species and habitats the properties were acquired to protect. Since the properties contain sensitive species and important vegetation communities, and may act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the Department has a set of general regulations which apply to all ecological reserves.

The Department may write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The Department is requesting special regulations for these reserves based on management information gathered which shows these amendments are necessary to protect the habitat or species the properties support.

Special regulations for Canada de los Osos Ecological Reserve will allow entry; fishing from lightweight, hand-carried, non-gasoline powered boats; fishing from shore; camping; campfires; and dogs with written permission only in order to protect habitat and wildlife, including sensitive species. Swimming, diving and wading may be allowed in designated areas with department permission. Use of public access trails will be limited to foot access only for protection of habitat, wildlife and sensitive species. Hunting may be allowed in participation with department-sponsored hunts at times, areas and for species designated by the department. Target shooting, skeet shooting and other use of firearms, and bow and arrow may be allowed at times and in areas designated by the department. Since hunting, shooting and use of firearms

are not normally permitted on ecological reserves, the special regulations are necessary when the department determines these activities are appropriate on a limited basis and will cause no impacts to protected species and habitat. The department will be allowed to permit biological research and collection of plants and animals for educational purposes. These allowances are needed for protection and management of habitats and wildlife and to provide valuable and meaningful educational programs. The department may restrict activities on the reserve to persons under 16 and adults supervising them, in order to focus primarily on youth outdoor educational programs. The department will be allowed to issue permits for livestock grazing needed for habitat management.

Special regulations for Chorro Creek will limit use of public access trails to foot access for the protection of wildlife and habitat. The department will be allowed to issue permits for biological research and allow collection of plants and animals for educational purposes. These allowances are needed for protection and management of habitats and wildlife and to provide valuable and meaningful educational programs. The department will be allowed to issue permits for livestock grazing needed for habitat management.

Special regulations for Cosumnes River will restrict foot access to trails, paths and other designated areas, limit picnicking to designated times and areas, and prohibit horses unless authorized in writing for grazing management for the protection of habitats and wildlife. Boating with lightweight, hand carried, non-gas powered boats from designated launching sites will be permitted. The department or its designee may further restrict boating to protect resources or provide for orderly operation of recreational programs. Since boating is not normally permitted on ecological reserves, the special regulations are necessary when the department determines limited boating for recreation, education and research is appropriate and will cause no impacts to protected species and habitat. Fishing will only be allowed from a boat on the waters of the main channel of the Cosumnes River and sloughs accessible from the Mokelumne River for the protection of habitat and species. Hunting may be allowed at times and locations designated by the department. Since hunting is not normally permitted on ecological reserves, the special regulations are necessary when the department determines this activity is appropriate on a limited basis and will cause no impacts to protected species and habitat. Pets will be prohibited, unless inside a motor vehicle, for the protection of species and habitat. The department, the State Lands Commission, the Bureau of Land Management, The Nature Conservancy, Ducks Unlimited, Inc. and the County of Sacramento will be allowed to carry out management activities for fish and wildlife management, flood control, vector control and public access. These activities may include, but are not limited to use of chemicals, vegetation control, animal control, water control and associated use of equipment. The department will be allowed to issue grazing permits for habitat management and issue permits for biological or archaeological research compatible with the primary purpose of the reserve for protection and management of wildlife and cultural resources. The department will be allowed to permit farming compatible with the primary purpose of the reserve in historically and recently farmed areas to provide opportunities for hunting, to maintain positive relationships with the agricultural community, and to maintain the land in a productive state relatively free of non-native invasive weeds until resources are available to restore the areas to natural habitat. Although farming is not normally allowed on ecological reserves, the special regulations are necessary when the department has determined this activity is appropriate on a limited basis and will cause no impacts to protected species and habitat.

Special regulations for the Headwaters Forest will prohibit horses from entering the reserve, and limit dogs and bicycles to a northern 3.5-mile designated corridor for the protection of wildlife and habitat. Camping and swimming may be authorized for research and monitoring needed for species and habitat protection and management. Aircraft operations and motorized vehicle use may be authorized for emergency operations, monitoring, research and other activities for the protection and management of species and habitats. The Bureau of Land Management will be allowed to carry out operation and management activities necessary for fish and wildlife management and public access. These activities include, but are not limited to use of chemicals, vegetation control, forestry management, controlled burning and use of associated equipment.

Special regulations for North Table Mountain will prohibit horses and bicycles from entering the reserve for the protection of sensitive habitats and species, allow the department to issue livestock grazing

permits for habitat management, and allow deer and upland game hunting with seasonal restrictions. Since hunting is not normally permitted on ecological reserves, the special regulations are necessary when the Department determines this public use is appropriate and will cause no impacts to protected species and habitat.

The department proposes to amend special area regulations for three existing reserves: Buena Vista Lagoon, Eden Landing and Carrizo Plains. Amendment of special area regulations will identify a new unit for the Carrizo Plains Ecological Reserve to assist in carrying out management and public use activities, and limit fishing to designated areas and daylight hours at Buena Vista Lagoon Ecological Reserve.

Special regulations for Eden Landing Ecological Reserve will allow entry only on designated trails and limit walking, horseback riding and bicycles to designated trails only. Dogs will be restricted to designated trails and designated hunting areas during waterfowl hunting season. Dogs will be allowed off-leash only for hunting in designated hunting areas during the waterfowl season, and must be under voice control at all times. Waterfowl hunting, fishing from boats and fishing from shore will be allowed, but only at times and areas designated by the department. Commercial bait fishing for brine shrimp may be allowed at times and areas designated by the department. The department will be allowed to issue permits for biological research and monitoring needed to protect and manage wildlife and habitats.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, City Hall, 777 Cypress Avenue, Redding, California on Friday, October 3, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at the hearing to be held in Redding on October 3, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 3, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than October 3, 2003, at the hearing in Redding, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon Snellstrom at the preceding address or phone number. Kari Lewis, Lands and Facilities Branch, Department of Fish and Game, phone (916) 445-3789, PO Box 944209, Sacramento, California 94244-2090, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds five ecological reserves to Title 14 and special regulations for three existing reserves in order to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific properties named.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (e) Nondiscretionary Costs/Savings to Local Agencies: None

- (f) Programs mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

- (h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: August 5, 2003

John M. Duffy  
Assistant Executive Director